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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,001	02/08/2002	Billy Hogan	2380-604	6407
23117	7590	05/04/2005	EXAMINER	
NIXON & VANDERHYE, PC 1100 N GLEBE ROAD 8TH FLOOR ARLINGTON, VA 22201-4714			NGUYEN, KHAI MINH	
			ART UNIT	PAPER NUMBER
			2687	

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/068,001		HOGAN ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Khai M Nguyen		2687	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 December 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 and 42-72 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 42-53 is/are allowed.
- 6) ☒ Claim(s) 1-4, 15-16, 54-57, 66-69, 71 is/are rejected.
- 7) ☒ Claim(s) 5-14, 17-19, 58-65, 70, 72 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This Office Action is response to Amendment filed on 12/09/2004.  
Claims 1-19, and 42-72 are pending.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-19, and 42-72 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims **1-4, 15-16, 54-57, 66-69, 71** are rejected under 35 U.S.C. 103(a) as being unpatentable over Wild et al. (U.S.Pat-5862480) in view of Tallegas et al. (U.S.Pub-20020089929).

Regarding claim 1, Wild teaches a telecommunications network which transmits, in a broadcast channel over an air interface (col.2, lines 14-27, col.4, lines 10-21), an access group eligibility message which enables a user equipment unit which receives

the access group eligibility message to make a determination whether the user equipment unit is eligible to operate in a cell for which the access group eligibility message is transmitted (fig.2-3, col.2, lines 14-27, col.4, lines 10-21),

Wolf fails to specifically disclose the determination involving a comparison of access group eligibility information transmitted in the access group message and an access group classification, which is stored at the user equipment unit. However, Tallegas teaches the determination involving a comparison of access group eligibility information transmitted in the access group message and an access group classification (paragraph 0003, 0010, 0078), which is stored at the user equipment unit (abstract, paragraph 0030). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the determination involving a comparison of access group eligibility information transmitted in the access group message and an access group classification, which is stored at the user equipment unit as taught by Tallegas with Wild teaching in order to compared against one or more bandwidth contracts defined for the policeable groups to produce one or more policing results.

Regarding claim 2, Wild and Tallegas further teaches the apparatus of claim 1, wherein the access group eligibility message indicates what subscriber groups are eligible to operate in the cell for which the access group eligibility message is transmitted (fig.1, fig.11, col. 2, lines 14-27, col.4, lines 60-65, col.9. lines 8-25)

Regarding claim 3, Wild and Tallegas further teaches the apparatus of claim 1, wherein the access group eligibility message indicates what restriction groups are not eligible to operate in the cell for which the access group eligibility message is transmitted (fig.1, fig.11, col. 2, lines 14-27, col.4, lines 60-65, col.9. lines 8-25).

Regarding claim 4, Wild and Tallegas further teaches the apparatus of claim 1, wherein the access group eligibility message includes a bitmap which indicates eligibility for plural access groups (fig.3, col.6, lines 33-45).

Regarding claim 15, Wild and Tallegas further teaches the apparatus of claim 1, wherein the access group classification message is one of a location update response (fig.18, col.15, line 62 to col.16, line 4) and a location update reject message which includes the access group classification (fig.17, col.15, lines 13-20).

Regarding claim 16, Wild and Tallegas further teaches the apparatus of claim 1, wherein the access group classification message is one of a location update response (fig.18, col.15, lines 62 to col.16, line 4) and a location update reject message which includes the access group classification and a version field associated with the access group classification (fig.17, col.15, lines 13-20).

Regarding claim 54, Wild and Tallegas further teaches a method of operating a telecommunications network comprising: transmitting, in a broadcast channel over an air interface (col.2, lines 14-27, col.4, lines 10-21), an access group eligibility message (fig.1, col.4, lines 10-21); a user equipment unit receives the access group eligibility message and using the access group eligibility message to make a determination (fig.1, col.4, lines 60-65) whether the user equipment unit is eligible to operate in a cell for which the access group eligibility message is transmitted (fig.2-3, col.2, lines 14-27, col.4, lines 10-21, col.27-39).

Wolf fails to specifically disclose the determination involving a comparison of access group eligibility information transmitted in the access group message and an access group classification, which is stored at the user equipment unit. However, Tallegas teaches the determination involving a comparison of access group eligibility information transmitted in the access group message and an access group classification (paragraph 0003, 0010, 0078), which is stored at the user equipment unit (abstract, paragraph 0030). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the determination involving a comparison of access group eligibility information transmitted in the access group message and an access group classification, which is stored at the user equipment unit as taught by Tallegas with Wild teaching in order to compared against one or more bandwidth contracts defined for the policeable groups to produce one or more policing results.

Regarding claim 55, Wild and Tallegas further teaches the method of claim 54, further comprising including in the access group eligibility message an indication of what subscriber groups are eligible to operate in the cell for which the access group eligibility message is transmitted (fig.1, fig.11, col.2, lines 14-27, col.4, lines 60-65, col.9, lines 8-25).

Regarding claim 56, Wild and Tallegas further teaches the method of claim 54, further comprising including in the access group eligibility message an indication of what restriction groups are not eligible to operate in the cell for which the access group eligibility message is transmitted (fig.1, fig.11, col.2, lines 14-27, col.4, lines 60-65, col.9, lines 8-25).

Regarding claim 57, Wild and Tallegas further teaches the method of claim 54, further comprising including in the access group eligibility message a bitmap which indicates eligibility for plural access groups (fig.3, col.6, lines 33-45).

Regarding claim 66, Wild and Tallegas further teaches the method of claim 54, further comprising:



upon the user equipment unit entering a new cell which involves a transition to a new location area, checking the access group eligibility message transmitted for the new cell (fig.13, col.11, lines 21-28); and

comparing the stored access group classification with contents of the access group eligibility message to determine whether the user equipment unit is allowed access to the new cell (fig.13, fig.19, col.11, lines 29-39, col.16, lines 5-22).

Regarding claim 67, Wild and Tallegas further teaches the method of claim 66, further comprising, upon the user equipment unit entering a new cell which does not involve a transition to a new location area (fig.14, col.12, lines 23-29), the user equipment unit not checking the access group eligibility message (fig.15, col.13, lines 12-22).

Regarding claim 68, Wild and Tallegas further teaches the method of claim 54, wherein the access group classification message is one of a location update response (fig.18, col.15, line 62 to col.16, line 4) and a location update reject message which includes the access group classification (fig.17, col.15, lines 13-20).

Regarding claim 69, Wild and Tallegas further teaches the method of claim 54, further comprising including in the access group classification message the access



group classification (fig.18, col.15, lines 62 to col.16, line 4) and a version field associated with the access group classification (fig.17, col.15, lines 13-20).

Regarding claim 71, Wild and Tallegas further teaches the method of claim 54, wherein the access group classification message generated by the core network includes the access group classification and a version field associated with the access group classification (fig.19, col.16, lines 12-22).

***Allowable Subject Matter***

4. Claims **5-14, 17-19, 58-65, 70, 72** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claims **42-53** are allowed.

The following is statement of reason of the indication of allowance: As the applicant stated in the remark (pages 16-18) of the amendment filed on 12/09/2004.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Citation of Pertinent Prior Art***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Shimada** (U.S.Pat-6690649) discloses QOS management apparatus.

**Roberts et al.** (U.S.Pat-6792283) discloses Method of selecting cells in a cellular mobile radio system.

**Amin et al.** (U.S.Pat-6560455) discloses Roaming authorization system.

***Conclusion***


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khai M Nguyen whose telephone number is 571.272.7923. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on 571.272.7922. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Khai Nguyen  
Au: 2687

4/26/2005

 4/26/05  
**ELISEO RAMOS-FELICIANO**  
**PATENT EXAMINER**